DECLARATION OF SHORT SUBDIVISION AND OF COVENANTS

KNOW ALL-PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED, HAVING AN INTEREST IN THE REAL PROPERTY DESCRIBED BY THIS DECLARATION, DO -HEREBY DECLARE THE HEREIN DESCRIBED DIVISION OF LAND APPROVED AS SHORT PLAT NUMBER--PFN GO-100817 SP, ON THIS 144 DAY OF DECEMBEL, 2000, BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES-OF SNOHOMISH COUNTY, SUBJECT TO THE FOLLOWING COVENANTS AND

(I) JHE LAND DESCRIBED BY THIS DEGLARATION MAY NOT BE FURTHER SUBDIVIDED IN ANY MANNER EXCEEDING A TOTAL OF FOUR PARCELS BY ANYONE WITHIN FIVE YEARS OF THE ABOVE DATE OF APPROVAL WITHOUT A FINAL PLAT, HAVING BEEN FILED FOR RECORD-WITH THE AUDITOR OF SNOHOMISH COUNTY, PURSUANT TO THE PROVISIONS OF CHAPTER 58.17 RCW, AND THE ORDINANCES OF SNOHOMISH-COUNTY, AND SUBJECT TO THE PENALTIES ATTENDANT THERETO: ----

(2) ALL LANDSCAPED AREAS-IN PUBLIC-RIGHT-OF-WAYS SHALL BE MAINTAINED BY THE OWNER(S) OR THEIR SUCCESSOR(S) AND MUST_BE REDUCED OR ELIMINATED AT THE REQUEST OF THE COUNTY IF DEEMED NECESSARY FOR COUNTY PURPOSES;

(3) DRAINAGE EASEMENTS DESIGNATED ON THE SHORT PLAT ARE HEREBY RESERVED FOR AND GRANTED TO SNOHOMISH COUNTY, EXCEPT-JHOSE _ - - -DESIGNATED ON THE SHORT PLAT AS PRIVATE EASEMENTS, FOR THE-RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO EXCAYATE, CONSTRUCT, OPERATE, . -MAINTAIN, REPAIR AND\OR REBUILD AN ENCLOSED OR OPEN CHANNEL _ --STORMWATER CONVEYANCE SYSTEM AND VOR OTHER DRAINAGE FAGILITIES, UNDER, UPON, OR THROUGH THE DRAINAGE EASEMENT:

(4) NATIVE GROWTH PROTECTION AREA IS TO BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS_TREES. THE__ -. ACTIVITIES AS SET FORTH IN SCC 32.10.110(29) (acd) ARE ALLOWED WHEN APPROVED BY THE COUNTY.

(5) WELL PROTECTION ZONES ARE SHOWN IN THE SNOHOMISH HEALTH DISTRICT -RECORDS FOR LOT 2 OF THIS SHORT PLAT. THE WELL PROTECTION ZONES ARE NOT BASED ON ACTUAL CONSTRUCTED WELLS. THE WELL PROTECTION ZONES MAY REQUIRE REVISION IF THE WELL CANNOT BE LOCATED AS PROPOSED. IF. -MOVED, THE 100 FOOT RADIUS WELL PROTECTION ZONE SHALL NOT EXTEND BEYOND THE SUBDIVISION EXTERIOR BOUNDARIES WITHOUT THE WRITTEN CONSENT OF AND A RECORDED WELL PROTECTION COVENANT FROM THE AFFECTED PROPERTY OWNER(S). AFTER INSTALLATION OF ANY WATER WELL TO SERVE LOTS WITHIN THIS SUBDIVISION, ALL OWNER(S), AND SUCCESSORS AGREE TO MAINTAIN 100 FOOT WELL PROTECTION ZONES IN COMPLIANCE WITH CURRENT STATE AND LOCAL WELL SITING AND CONSTRUCTION REGULATIONS, WHICH, AT A MINIMUM, PREVENT INSTALLATION OF DRAINFIELDS WITHIN THE WELL PROTECTION ZONE. THE REVISION OF THE WELL PROTECTION ZONE LOCATION IS A PRIVATE MATTER BETWEEN THE AFFECTED LOT OWNERS AND DOES NOT REQUIRE A SHORT PLAT ALTERATION.

(6) A 100 FOOT RADIUS WELL PROTECTION ZONE COVENANT IS HEREBY ESTABLISHED ON LOT I AND LOT 2, AROUND THE EXISTING WELL(S) AS LOCATED ON THE SHORT PLAT. ALL OWNER(S) OF PROPERTY SHOWN WITHIN THIS PROTECTION ZONE(S) AGREE TO COMPLY WITH CURRENT STATE AND LOCAL WELL SITE PROTECTION MEASURES, WHICH, AT A MINIMUM, PREVENT INSTALLATION OF DRAINFIELDS WITHIN THE PROTECTION ZONE.

(1) THE LOTS IN THIS SHORT SUBDIVISION DO NOT QUALIFY AS DUPLEX LOTS PER SNOHOMISH COUNTY CODE (SCC 20.36.025).

(8) SCC TITLE 26A REQUIRES THE PER NEW UNIT FEE PAYMENT IN THE AMOUNT OF \$1,040.00, FOR MITIGATION OF IMPACTS ON THE COUNTY PARKS DISTRICT MARYSVILLE #8. THE DEVELOPER OF THIS SHORT SUBDIVISION HAS ELECTED TO DEFER THIS FEE PAYMENT OBLIGATION TO A TIME PRECEDING BUILDING PERMIT ISSUANCE. NOTICE OF THIS FEE PAYMENT OBLIGATION SHALL BE CONTAINED IN ANY DEEDS INVOLVING THIS SUBDIVISION OR THE LOT(S) THEREIN.

(9) THE LOTS WITHIN THIS SHORT SUBDIVISION WILL BE SUBJECT TO SCHOOL IMPACT MITIGATION FEES FOR THE ARLINGTON #16 SCHOOL DISTRICT TO BE DETERMINED BY THE CERTIFIED AMOUNT WITHIN THE BASE FEE SCHEDULE IN EFFECT AT THE TIME OF BUILDING PERMIT APPLICATION, AND TO BE COLLECTED PRIOR TO BUILDING PERMIT ISSUANCE, IN ACCORDANCE WITH THE PROVISIONS OF SCC 26C.20.020. CREDIT SHALL BE GIVEN FOR THE EXISTING RESIDENCE LOCATED ON LOT 1.

(10) PRIOR APPROVAL MUST BE OBTAINED FROM THE DIRECTOR OF PUBLIC WORKS BEFORE ANY STRUCTURES, FILL OR OBSTRUCTIONS, INCLUDING FENCES, ARE LOCATED WITHIN ANY DRAINAGE EASEMENT, DELINEATED FLOOD PLAIN AREA OR DRAINAGE SWALE;

(II) SUBJECT TO THE RELINQUISHMENT OF ACCESS TO STATE HIGHWAY AND OF LIGHT, VIEW AND AIR BY DEED TO STATE OF WASHINGTON RECORDED UNDER AUDITOR'S FILE NO. 1213614.

(12) SUBJECT TO THE P.U.D. NO. I EASEMENT RECORDED UNDER AUDITOR'S FILE NO. 7810230176.

(13) SUBJECT TO THE P.U.D. NO. I EASEMENT RECORDED UNDER AUDITOR'S FILE NO. 8201130099.

(14) SUBJECT TO THE U.S. WEST WIRELESS EASEMENT RECORDED UNDER AUDITOR'S FILE NO. 9905250613.

(15) SUBJECT TO THE COVENANTS, CONDITIONS, AND RESTRICTIONS AND EASEMENTS CONTAINED IN THE SHORT PLAT RECORDED UNDER AUDITOR'S FILE NO. 9107190354.

THESE COVENANTS ARE FOR THE MUTUAL BENEFIT OF THE GRANTOR AND HIS(THEIR) HEIRS, SUCCESSORS AND ASSIGNS AND ARE FOR THE FURTHER PURPOSE OF COMPLIANCE WITH THE ORDINANCES AND REGULATIONS OF SNOHOMISH COUNTY, AND THE COUNTY AND SUCH A PERSONS ARE SPECIFICALLY - GIVEN THE RIGHT TO ENFORCE THESE RESTRICTIONS AND RESERVATIONS BY INJUNCTION OR OTHER LAWFUL PROCEDURE AND TO RECOVER ANY DAMAGES RESULTING FROM SUCH VIOLATION.

DATED THIS __ DAY OF __ VOL

(I) AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERNING THE SUBJECT SHORT PLAT AND THEIR RESPECTIVE SUCCESSORS AND - ASSIGNS, UNDER AND UPON THE EXTERIOR IO FEET PARALLEL WITH AND ADJOINING THE STREET PRONTAGE OF LOTS, TRACTS AND COMMON AREAS IN " WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPE, AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SHORT SUBDIVISION AND OTHER PROPERTY WITH ELECTRICITY, TELEPHONE, GAS, TELEVISION CABLE, AND OTHER UTILITY SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL IMES FOR-THE PURPOSES-HEREIN STATED.

(2)-IN GONSIDERATION OF SNOHOMISH COUNTY CODE (SCC) 32.10.240(3)(b) REQUIREMENTS, A NON-EXCLUSIVE NATIVE GROWTH PROTECTION AREA/EASEMENT (NGPA/E) IS HEREBY GRANTED TO SNOHOMISH COUNTY, ITS-SUCCESSORS OR ASSIGNS. SAID EASEMENT AREA IS DEPICTED ON THE SUBDIVISION. THE NATIVE GROWTH PROTECTION AREA/EASEMENT SHALL BE LEFT PERMANENTLY. UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OF PLACEMENT, OF ROAD GONSTRUCTION OF ANY KIND SHALL OCCUR WITHIN-SAID EASEMENT AREA; EXCEPT THE ACTIVITIES SET FORTH IN SNOHOMISH GOUNTY CODE 32-10.110(29)(a)(c), AND (d) ARE-ALLOWED, WHEN APPROVED BY THE COUNTY. SOME AGTIVITIES WHICH MAY BE PERMITTED ARE: (1) UNDERGROUND UTILITY LROSSINGS AND DRAINAGE DISCHARGE SWALES WHICH UTILIZE THE SHORTEST ALIGNMENT-POSSIBLE AND FOR WHICH NO ALIGNMENT THAT WOULD-AVOID SUCH A CROSSING IS-FEASIBLE: (2) FENCES, WHEN THE CRITICAL AREA AND ITS BUFFER ARE NOT DETRIMENTALLY -AFFECTED; (3) REMOVAL OF HAZARDOUS TREES BY THE PROPERTY OWNER; AND -(4) OTHER USES AND DEVELOPMENT ACTIVITY AS ALLOWED BY SAID CODE. THE RIGHT TO USE AND POSSESS THE EASEMENT AREA IS RETAINED, PROVIDED THAT THE USE DOES NOT INTERFERE WITH, OBSTRUCT OR ENDANGER PURPOSE OF SAND EASEMENT.

THE COUNTY, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM THIS EASEMENT AND ACROSS THE ADJACENT PROPERTY IN THIS SUBDIVISION FOR THE PURPOSE OF MONITORING AND ENFORCING PROPER OPERATION AND MAINTENANCE OF THE NATIVE GROWITH PROTECTION AREA EASEMENT.

THE LOT OWNER(S) SHALL BE RESPONSIBLE FOR OPERATION, MAINTAINING, REPAIRING AND RESTORING THE CONDITION OF THE NGPA/E IF ANY UNAUTHORIZED DISTURBANCE OCCURS.

BY ACCEPTANCE OF THE EASEMENT FOR THE PURPOSES DESCRIBED, SNOHOMISH COUNTY DOES NOT ACCEPT OR ASSUME ANY LIABILITY FOR ACTS OR OMISSIONS" -OF THE LOT OWNER, HIS OR HER INVITEE, LICENSEES OR OTHER THIRD PARTIES WITHIN THE EASEMENT AREA. THE LOT OWNER HOLDS SNOHOMISH COUNTY HARMLESS FROM ANY CLAIM OF DAMAGE OR INJURY TO ANY PROPERTY OR PERSON BY ANY PERSON ENTERING THE EASEMENT AREA NOT EXPRESSLY AUTHORIZED TO DO SO BY SNOHOMISH COUNTY. THIS EASEMENT IS CREATED, GRANTED AND ACCEPTED FOR THE BENEFIT OF THE SUBDIVISION AND THE GENERAL PUBLIC, BUT SHALL NOT BE CONSTRUED TO PROVIDE OPEN OR COMMON SPACE FOR OWNERS WITHIN THE SUBDIVISION OF MEMBERS OF THE PUBLIC.

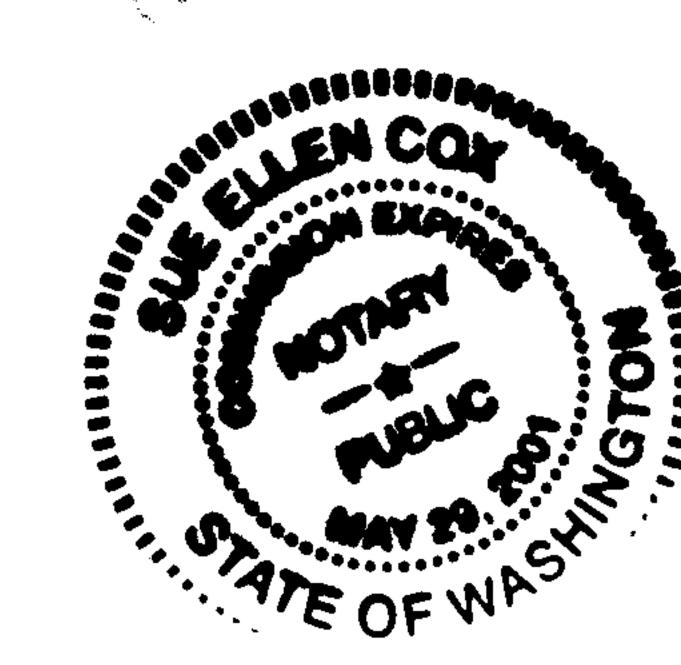
ACKNOWLEDGMENTS STATE OF Washington

COUNTY OF <u>DYDhomish</u>)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT GEORGE B. SMITH AND SHIRLEY M. SMITH ARE THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT, AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT

DATED: 11-10-2000

(PRINT NAME) Sue Ellen Cox NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON



PLANNING AND DEVELOPMENT SERVICES APPROVAL

I HEREBY APPROVE THIS SHORT SUBDIVISION AND FIND FROM THE FILE THAT THE SHORT PLAT MEETS ALL THE APPLICABLE ZONING AND LAND USE CONTROLS, AND MAKES APPROPRIATE PROVISIONS FOR THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

CHAIRMAN, COUNTY COUNCIL APPROVAL

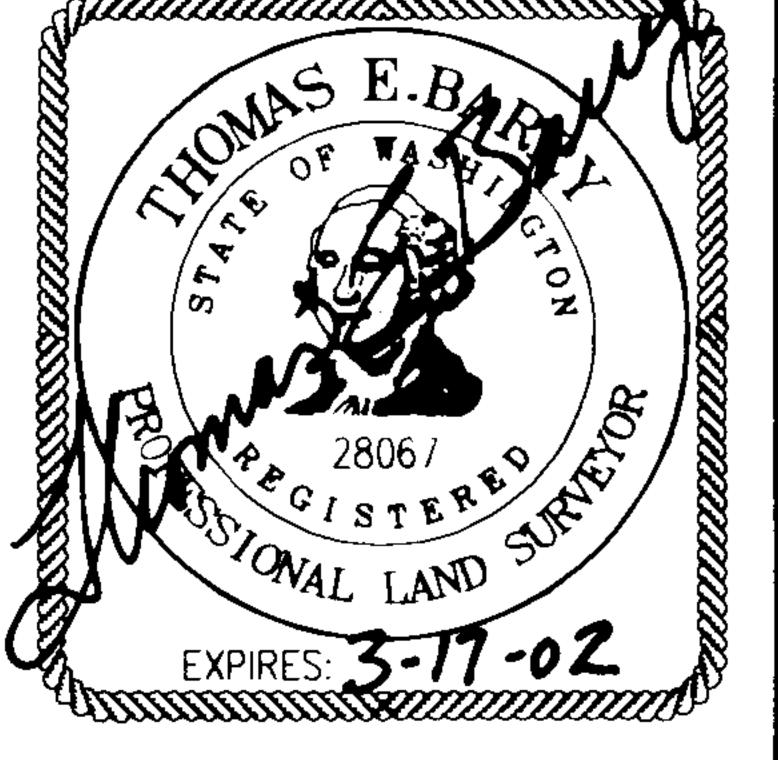
NATIVE GROWTH PROTECTION AREA/EASEMENT ACCEPTED IN REGULAR SESSION

BY THE COUNCIL! ⁻- ---<u>-</u>-

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF GEORGE SMITH IN JULY, 2000

DATE: 11-10-00 THOMAS E. BARRY, P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 28067



AUDITOR'S CERTIFICATE

MINUTES PASTIPINM, AND RECORDED IN VOL. ___ OF SHORT PLATS, PAGE ____, A.F.N. 2000/2/4500/_ RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

BOB TERWILLIGER AUDITOR, SNOHOMISH COUNTY

JERRELL GORMAN DEPUTY COUNTY AUDITOR

METRON

and ASSOCIATES INC. LAND SURVEYS, MAPS, AND LAND USE PLANNING

> 307 N. OLYMPIC, SUITE 205 ARLINGTON, WASHINGTON 98223 (360) 435-3777 FAX (360) 435-4822

DATE: JULY 26, 2000 BY: PROJECT NO. 99164

SCALE: --F.B. 5-31

SNOHOMISH COUNTY FILE NO. PEN 00-100817 SP

GEOFF. SMITH A PORTION OF THE N.E. 1/4 OF THE N.W. 1/4-OF-SECTION 25 TOWNSHIP 31 NORTH, RANGE 5-EAST

SNOHOMISH COUNTY, WASHINGTON,

